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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,338	10/20/2003	Robert E. Smith III	221-0075US	2895

29855 7590 11/18/2004

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EXAMINER

HEWITT, JAMES M

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/689,338

Applicant(s)

SMITH, ROBERT E.

Examiner

James M Hewitt

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2003 and 08 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/20/03
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities:

Should paragraph [0007] reference the section heading "brief description of the drawings"? And shouldn't said heading be in capitals?

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Griffin (US 1,178,714).

With respect to claim 1, Griffin discloses a seal retainer for an undersea hydraulic coupling member, comprising metal blade seals (defining channel 9) that engage with a female coupling member (A).

The recitation "for an undersea hydraulic coupling member" has not been given patentable weight because it has been held that a preamble is denied the effect of a limitation where the claim is drawn to a structure and the portion of the claim following the preamble is a self-contained description of the structure not

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depending for completeness upon the introductory clause. *Kropa v. Robie*, 88 USPQ 478.

With respect to claim 2, wherein an elastomeric seal (g) is contained between the metal blade seals.

Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Gunn (US 4,022,262).

With respect to claim 1, Gunn discloses a seal retainer for an undersea hydraulic coupling member, comprising metal blade seals (16) that engage with a female coupling member (26).

The recitation "for an undersea hydraulic coupling member" has not been given patentable weight because it has been held that a preamble is denied the effect of a limitation where the claim is drawn to a structure and the portion of the claim following the preamble is a self-contained description of the structure not depending for completeness upon the introductory clause. *Kropa v. Robie*, 88 USPQ 478.

Member (26) is considered a female member in that it receives a male member (22) therethrough.

With respect to claim 2, wherein an elastomeric seal (18) is contained between the metal blade seals.

With respect to claim 3, wherein the metal blade seals are engaged by tightening the seal retainer into the female coupling member, thereby causing the

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metal blade seals to cut into the face of a shoulder in the female coupling member.

With respect to claim 4, Gunn discloses an undersea hydraulic coupling member comprising a seal retainer comprising metal angular seals (16) for forming a seal between the seal retainer and a female coupling member (26).

Regarding the modifier "An undersea hydraulic" of "the coupling member", it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

Claims 1-2, and 4-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Gore (US 612,455).

With respect to claim 1, Gore discloses a seal retainer for an undersea hydraulic coupling member, comprising metal blade seals (rib 8 with its inner and outer surfaces) that engage with a female coupling member (2).

The recitation "for an undersea hydraulic coupling member" has not been given patentable weight because it has been held that a preamble is denied the effect of a limitation where the claim is drawn to a structure and the portion of the claim following the preamble is a self-contained description of the structure not depending for completeness upon the introductory clause. *Kropa v. Robie*, 88 USPQ 478.

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With respect to claim 2, wherein an elastomeric seal (13) is contained between the metal blade seals. Refer to Figure 3.

With respect to claim 4, Gore discloses an undersea hydraulic coupling member comprising a seal retainer comprising metal angular seals (rib 8 with its inner and outer surfaces) for forming a seal between the seal retainer and a female coupling member (2).

Regarding the modifier "An undersea hydraulic" of "the coupling member", it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

With respect to claim 5, further comprising a female coupling member (2) comprising an angular groove (6) cut so as to mate with the angular metal seals of the seal retainer.

With respect to claim 6, wherein the angular groove is cut so as to provide an interference fit when the seal retainer is installed in the female coupling member.

With respect to claim 7, wherein the angular groove is cut so as to provide an press fit when the seal retainer is installed in the female coupling member.

With respect to claim 8, further comprising an elastomeric seal (60) located between the metal angular seals.

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Claims 1 and 4-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Galle (US 5,370,153).

With respect to claim 1, Galle discloses a seal retainer for an undersea hydraulic coupling member, comprising metal blade seals (48) that engage with a female coupling member (12).

With respect to claim 4, Thomson discloses an undersea hydraulic coupling member comprising a seal retainer comprising metal angular seals (48) for forming a seal between the seal retainer and a female coupling member (12).

With respect to claim 5, further comprising a female coupling member (1) comprising an angular groove (24) cut so as to mate with the angular metal seals of the seal retainer.

With respect to claim 6, wherein the angular groove is cut so as to provide an interference fit when the seal retainer is installed in the female coupling member.

With respect to claim 7, wherein the angular groove is cut so as to provide an press fit when the seal retainer is installed in the female coupling member.

Conclusion

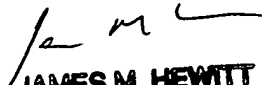
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M Hewitt whose telephone number is 703-305-0552. The examiner can normally be reached on M-F, 930am-600pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Stodola can be reached on 703-308-2686. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JAMES M. HEWITT
PRIMARY EXAMINER